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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,016	11/24/1999	YAKOV KAMEN	ISURFTV11	5713
52940 7590 09/21/2007 HOLLAND & KNIGHT LLP Attn: Stefan Stein/IP Dept 131 S. DEARBORN STREET 30TH FLOOR CHICAGO, IL 60603			EXAMINER BUI, KIEU OANH T	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/449,016	Applicant(s) KAMEN ET AL.	
	Examiner KIEU-OANH BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remark

1. Claims 2, 15, and 17-48 have been cancelled; and claims 1, 3-14, and 16 are pending for reconsideration.

Specification

2. After reviewing again, the examiner agrees the abstract of the disclosure is fine.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. Patent No. 6,934,963 B1) in view of Smith (US Patent Pub 2003/0117527 A1).

Regarding claim 1, Reynolds teaches this exact same technique as Reynolds shows in Figure 15, while viewing a current video for a current channel, a user can select a second window screen with a second television program segment for displaying to the user, and as soon as the user selects the second television program segment, modify or change the displaying of the

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window region of the first program to the second program accordingly (col. 19/lines 27-67 as the user selects one of the displaying program segment and hit OK to watch, the second program segment is displaying to the user).

Reynolds does not show “a window region continuing to display an indication of the first television program segment simultaneously in a main program screen with the second television program segment” and modifying what is displayed to the user in the window region when the first television program is complete; however, this technique is taught by Smith (Fig. 2 and Fig. 3; and page 3/par. 0022 – 0023 & page 3/par. 0025-0028 as the TV screen shows a window region for two different TV program are simultaneously playing, and in page 3/par. 0028, the user can modify by adding or deleting the displaying channel list for the first television program). Therefore, it would have been obvious to one of ordinary skill in the art to modify Reynolds’ system with Smith’s teaching feature as disclosed in order to obtain an enhanced system for simultaneously displaying two different television program, and one on a window region overlaying the other television program for the user the chance to modify what is displayed in the window region while still not missing what is going on the other television program.

(Claim 2 has been cancelled).

As for claim 3, Reynolds teaches the window region is a banner advertising products and/or services (Fig. 15 and/or Figs. 9a-9b with banner 910 for a video per-pay-view promotion).

As for claim 4, Reynolds further teaches to include the thumbnail commercial as shown in Fig. 10 while the user views some information about the video promotional, some additional thumbnails in “selectable advertisement” are displaying.

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As for claims 5-6 and 14, Reynolds teaches the segment is a commercial and the banner indicative of a product being advertised during the commercial (refer back again to Figs. 9a & 9b, and col. 16/line 47 to col. 17/line 10).

As for claims 7, 9-10 and 16, Reynolds further teaches the availability and accessing to the Internet from the video screen as well as the link and link to a web page (refer to Figs. 2c, 2d, 8b, and col. 10/line 46 to col. 11/line 20; and col. 16/lines 23-46).

As for claim 8, Reynolds further teaches to change to another regularly television channel on the video screen (Fig. 16 and col. 21/lines 20-58 as the user can select which sources or servers, i.e., television channels and/or from the internet, and interactively sets and selects any program segment to display).

For claim 11, Reynolds teaches an exact same method as cited, refer back to claim 1 above, and the user can select by clicking on the banner, i.e., another term, "selectable banner" (refer back again to Figs. 9a, 9b, 10 & 15). Furthermore, Reynolds does not show "a window region continuing to display an indication of the first television program segment simultaneously in a main program screen with the second television program segment" and modifying what is displayed to the user in the window region when the first television program is complete; however, this technique is taught by Smith (Fig. 2 and Fig. 3; and page 3/par. 0022 – 0023 & page 3/par. 0025-0028 as the TV screen shows a window region for two different TV program are simultaneously playing, and in page 3/par. 0028, the user can modify by adding or deleting the displaying channel list for the first television program). Therefore, it would have been obvious to one of ordinary skill in the art to modify Reynolds' system with Smith's teaching feature as disclosed in order to obtain an enhanced system for simultaneously displaying two

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different television program, and one on a window region overlaying the other television program for the user the chance to modify what is displayed in the window region while still not missing what is going on the other television program.

As for claim 12, Reynolds further teaches the additional signal information to be displayed is included in a portion of a video signal that does not normally contain visual information (Fig. 15, the selectable banner 972 -for 15 GDE and 101 CNN- does not contain visual information but text information).

As for claim 13, Reynolds further teaches wherein the portion of the video signal comprises a retrace interval or a blanking interval (col. 9/lines 12-25).

(Claim 15 has been cancelled).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (US Patent Pub 2005/0283800 A1) disclose a system related to displaying simultaneously a window region and another program on the TV screen.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Sept. 14, 2007